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Stewart Kessel

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10/22/2008

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EXAMINER

FRANK, NOAH S

ART UNIT

PAPER NUMBER

1796

MAIL DATE

DELIVERY MODE

10/22/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## **DETAILED ACTION**

### ***Response to Arguments***

Applicant's arguments filed 10/8/08 have been fully considered but they are not persuasive.

In response to applicant's arguments that Legrande requires a graphite conductive material, while this is true, the claims do not exclude other particulate electrically conductive materials. Due to the transitional phrase "comprising" in the beginning of the claim, the claim is not limited to only one particulate electrically conductive material. The claim does, however, limit one of the particulate electrically conductive materials to a metal or metal oxide mixture. While the Examiner appreciates applicant's offer to reword the claim such that any particulate electrically conductive materials other than a metal or metal oxide are excluded, this would require further search and consideration.

In response to applicant's arguments that the claims require a resistivity of no greater than 1 ohm per square, The Office realizes that all of the claimed effects or physical properties are not positively stated by the reference(s). However, the reference(s) teaches all of the claimed ingredients. Therefore, the claimed effects and physical properties, i.e. a resistivity of no greater than 1 ohm per square would implicitly be achieved by a composite with all the claimed ingredients. If it is the applicant's position that this would not be the case: (1) evidence would need to be provided to

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support the applicant's position; and (2) it would be the Office's position that the application contains inadequate disclosure.

In response to applicant's arguments regarding the combination of Legrande and Durand, the Examiner incorrectly stated that the two references were drawn to conductive inks. A more accurate description is conductive coatings or conductive polymers. In addition, while Durand is a physically dried coating, it contains functionality that allows it to be radiation cured as well. Therefore, both are in fact within the same field of endeavor.

In response to applicant's arguments regarding Batting, please see the above response regarding Durand.

### ***Correspondence***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to NOAH FRANK whose telephone number is (571)270-3667. The examiner can normally be reached on M-F 9-5 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mark Eashoo can be reached on 571-272-1197. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Mark Eashoo, Ph.D./  
Supervisory Patent Examiner, Art Unit 1796

NF  
10-10-08